

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| BRUCE A. ESTES, <i>et al.</i> , | ) |                                |
|                                 | ) |                                |
| Plaintiffs,                     | ) | Civil Action No. 7:15-cv-00154 |
|                                 | ) | Civil Action No. 7:15-cv-00155 |
| v.                              | ) |                                |
|                                 | ) | By: Elizabeth K. Dillon        |
| HAROLD CLARKE, <i>et al.</i> ,  | ) | United States District Judge   |
|                                 | ) |                                |
| Defendants.                     | ) |                                |

**MEMORANDUM OPINION**

Lawrence E. Combs and two other plaintiffs, all proceeding *pro se*, filed two civil rights complaints, pursuant to 42 U.S.C. § 1983, on April 4, 2015. By orders entered April 7, 2015, the court directed all three plaintiffs to submit within 10 days from the date of the order an executed consent to withholding of fees form. (No. 7:15-cv-00154, Dkt. Nos. 11-13; No. 7:15-cv-00155, Dkt. Nos. 11-13.) All plaintiffs were advised that a failure to comply would result in dismissal of these actions without prejudice. (*See id.*) The other two plaintiffs filed forms consenting to the fee in both cases. (*See* No. 7:15-cv-00154, Dkt. Nos. 16-17; No. 7:15-cv-00155, Dkt. Nos. 15-16.)

Combs instead filed a document on April 14, 2015, in which he stated that he would like for the civil actions to be joined together as one complaint. (*See* No. 7:15-cv-00154, Dkt. No. 20; No. 7:15-cv-155, Dkt. No. 19). Combs further stated that if the two cases could not be consolidated, then he wanted to withdraw from both complaints.<sup>1</sup> (*See id.*)

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<sup>1</sup> The other two plaintiffs separately informed the court that Combs no longer wanted to be a plaintiff. (*See* Dkt. No. 7:15-cv-00154, Dkt. No. 18, 19; Dkt. No. 7:15-cv-00155, Dkt. No. 14.)

More than 10 days have elapsed since the court's April 7, 2015 order, and Combs has failed to comply with the described conditions in both civil actions, *i.e.*, he has failed to consent to the fee in either case. Accordingly, the court dismisses without prejudice the claims of plaintiff Lawrence E. Combs in both actions. Combs may refile his claims in a separate action once he is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this memorandum opinion and accompanying order to all parties of record.

Entered: April 27, 2015.

*Elizabeth K. Dillon*  
United States District Judge